

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

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BOARD OF EDUCATION OF THE	:	
HIGHLAND LOCAL SCHOOL DISTRICT,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
UNITED STATES DEPARTMENT OF	:	
EDUCATION; JOHN B. KING, JR., in his	:	
official capacity as United States Secretary of	:	
Education; UNITED STATES DEPARTMENT	:	
OF JUSTICE; LORETTA E. LYNCH, in her	:	
official capacity as United States Attorney	:	
General; and VANITA GUPTA, in her official	:	Case No. 2:16-cv-524
capacity as Principal Deputy Assistant Attorney	:	
General,	:	
	:	Judge Algenon L. Marbley
Defendants.	:	Magistrate Judge Kimberly A. Jolson
-----	:	
JANE DOE, a minor, by and through her legal	:	
guardians JOYCE and JOHN DOE,	:	
	:	
Intervenor Third-Party Plaintiff,	:	
	:	
vs.	:	
	:	
BOARD OF EDUCATION OF THE	:	
HIGHLAND LOCAL SCHOOL DISTRICT;	:	
HIGHLAND LOCAL SCHOOL DISTRICT;	:	
WILLIAM DODDS, Superintendent of Highland	:	
Local School District; and SHAWN	:	
WINKELFOOS, Principal of Highland	:	
Elementary School,	:	
	:	
Third-Party Defendants.	:	
-----	:	X

Pursuant to Federal Rule of Civil Procedure 12(f), Jane Doe, by and through her legal guardians, Joyce and John Doe, hereby moves to strike certain defenses from the Answer pled by Plaintiff/Third-Party Defendant Board of Education of the Highland Local School District (the “Board”) and the Third-Party Defendants Highland Local School District, William Dodds, and Shawn Winkelfoos (together, “Highland”). Dkt. 115. In support of this motion, Jane Doe submits the accompanying memorandum of law, moving to strike defenses for failing either to meet the Rule 12(f) pleading standard or the heightened pleading standard laid out in *Bell Atlantic Corp. v. Twombly* and *Ashcroft v. Iqbal*. FED. R. CIV. P. 12(f)(2); 550 U.S. 544 (2007); 556 U.S. 662 (2009). Highland has presented no factual information to support any of its defenses, and in many cases has presented defenses that have no legally cognizable place in this case. Under the standards of Rule 12(f) and *Twombly* and *Iqbal*, all of Highland’s defenses should be struck. However, because Jane realizes that some of Highland’s defenses have been explained in more detail in collateral submissions, Jane only moves to strike the following defenses: **Two through Five, Seven through Ten, Twenty-Six, Twenty-Seven, Twenty-Nine, Thirty, Thirty-Two, and Thirty-Six through Forty.**

Jane Doe respectfully urges this Court to GRANT this motion to strike.

Dated: November 21, 2016

Respectfully submitted,

By: s/ John Harrison
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Attorneys for JANE DOE

* admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2016, all counsel of record who are deemed to have consented to electronic service are being served with a copy of the foregoing instrument via the Court's CM/ECF filing system.

s/ John Harrison

John Harrison